

## CHAPTER 184.

## FIXING COMPENSATION OF CLERKS, AUDITORS AND TREASURERS OF COUNTIES.

Sub. S. F. 18  
and 170.

AN ACT to Repeal Sections 3784, 3793, and 3798 of the Code, and Section 8, Chapter 122, Laws of Seventeenth General Assembly, and Enacting Substitutes Therefor, Relating to Salaries of Clerk of District and Circuit Courts, County Treasurer and County Auditor, and Defining Certain of their Duties.

*Be it enacted by the General Assembly of the State of Iowa:*

Code, § 3784 re-  
pealed and  
substituted  
enacted.  
Compensation  
of clerk lim-  
ited.

SECTION 1. That section 3784 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof:

Excess of fees  
paid into treas-  
ury.

Board of sup-  
ervisors may  
make up de-  
ficiency.

Employ deputy.

Proviso: coun-  
ties with over  
30,000 inhabi-  
tants.

Proviso: coun-  
ties with over  
40,000 inhabi-  
tants.

Proviso: in re-  
gard to two  
circuits in a  
judicial district.

SEC. 3784. The total amount of compensation of such clerk, for all official services, shall not exceed the sum of eleven hundred dollars per annum, in counties having a population not exceeding ten thousand; the sum of thirteen hundred dollars per annum in counties having a population in excess of ten thousand but not exceeding twenty thousand; nor the sum of fifteen hundred dollars per annum in counties having a population in excess of twenty thousand but not exceeding thirty thousand. If the fees collected by the clerk in any county, in any one year, shall exceed the sums afore stated, the excess shall be paid into the county treasury for the use of the county fund. In case the aggregate amount of fees so received by the clerk in any one year is less than the limit of his compensation as herein fixed, and such amount is deemed inadequate compensation by the board of supervisors, they may allow such additional amount as they may deem just and proper, within the limits herein prescribed. When, in the judgment of the board of supervisors, it is necessary to the proper discharge of the duties of the office, said board may, upon application of the clerk, authorize said clerk to employ a deputy or clerk, at a salary not exceeding the rate of six hundred dollars per annum for the time actually employed: *Provided*, that in counties having a population in excess of thirty thousand, but not to exceed forty thousand, the board of supervisors may allow such compensation to the clerk, deputy and clerks, as they may deem just and proper, but that the sum total of such compensation allowed shall not exceed twenty-five hundred dollars; and, *Pro-vided*, further, that in counties having a population in excess of forty thousand, the board of supervisors may allow such compensation to the said clerk, deputy and clerks, as they may deem just and proper, but that the total compensation shall not exceed thirty-five hundred dollars: *Provided*, further, that in any county having a population of over thirty thousand and under forty thousand, and which is within a judicial district in which th

circuit has been divided, the board of supervisors, if they find it necessary, may employ an additional deputy or clerk, for duties in connection with the probate records, at a compensation not exceeding \$600 per annum: *Provided, further*, that in each county having two county seats, the compensation of clerk of courts, including the amount paid his deputies and clerks, shall not exceed three thousand dollars in any one year. Any excess of fees collected to be paid into the county treasury, as above provided.

Proviso: two  
county seats.

SEC. 2. That section 3793 of the Code, and section 3, chapter 122, laws of the seventeenth general assembly, be and the same are hereby repealed, and the following enacted in lieu thereof:

Code, § 3793  
and § 3, Chap.  
122 17th G. A.  
repealed, and  
substitute en-  
acted.

SEC. 3793. Each county treasurer shall receive for his services the following compensation:

Compensation  
of treasurer  
limited.

Three-fourths of one per cent of all money collected by him as taxes due any incorporated city or town, to be paid out of the same.

2. Three per cent of all taxes collected by him for all other tax funds, to be paid out of the county treasury.

3. For each certificate of purchase issued for land sold for non-payment of taxes, twenty cents.

4. For paying money into the state treasury, when required by law, or the auditor of state, such compensation as the board of supervisors shall allow, not exceeding one-fourth of one per cent on the amount so paid, which allowance shall be paid by the county.

5. When the aggregate amount of compensation allowed by this and the next section exceeds twelve hundred dollars, in any one year in counties where taxes are collected by township collectors, or fifteen hundred dollars in counties having no township collectors, the excess shall be paid into the county treasury, but when, in the judgment of the board of supervisors, it is necessary for the proper discharge of the duties of the office, said board may, upon application of the treasurer, authorize said treasurer to employ a deputy or clerk, at a salary not exceeding the rate of six hundred dollars per annum for the time actually employed: *Provided*, That in counties where population does not exceed ten thousand, the salary shall not exceed thirteen hundred dollars in any case, and the board shall not allow to exceed three hundred dollars clerk hire in such counties: and, *Provided*, That in counties having more than thirty thousand population, the board of supervisors may grant such additional compensation for treasurer, deputy, or clerk hire as they may deem just and proper.

Proviso: coun-  
ties with more  
than 30,000  
inhabitants.

SEC. 3. That section 3798 of the Code be, and the same is hereby, repealed and the following enacted in lieu thereof:

Code, § 3798  
repealed, and  
substitute  
enacted.

SEC. 3798. The total compensation of the auditor in any one year shall not exceed the sum of twelve hundred dollars, inclusive of fees; but when, in the judgment of the board of supervisors, it is necessary for the proper discharge of the duties of the office, said board may, upon application of the auditor,

Compensation  
of auditor  
limited.

Provide; coun-  
ties of more  
than 25,000  
inhabitants.

Last census to  
determine  
population.

Each officer  
keep record of  
fees and report  
to board of  
supervisors.

Verified.

Board to em-  
ploy an expert  
in case of fail-  
ure to report.

authorize said auditor to employ a deputy or clerk at a salary not exceeding the rate of six hundred dollars per annum: *Provided*, That in counties of more than twenty-five thousand population, the board of supervisors may grant such additional compensation to the auditor, deputy, or clerks, as they deem it just and proper.

SEC. 4. It shall be the duty of the board of supervisors, in fixing the compensation of the officers as provided in this act, to take the latest state or national official census, as their guide in so doing.

SEC. 5. It is hereby made the duty of the county auditor, the county treasurer and the clerk of the district and circuit courts, in each county of the state to keep a complete and accurate account of all the fees charged and collected by them as now provided by law; which account shall be made and kept as a permanent record of the office; and it is hereby made the further duty of each of the officers therein specified, to make a report of such fees to the board of supervisors, at each regular session of said board, verified by oath or affirmation, a summary of which shall be spread upon the minutes of said board and made a part of the record. If any officers shall neglect or refuse to make such report, as required by this section, it shall be the duty of the board to employ an expert to examine the books, papers, and accounts of such officer, and to make such report, the expense therefor being charged to the delinquent officer, and collectable upon his official bond.

Approved, March 27, 1880.

## CHAPTER 185.

### IN RELATION TO ATTORNEYS' FEES.

S. F. 271.

AN ACT to Regulate and Limit the Amount of Attorneys' Fees that May be Taxed in Suits on Written Contracts Stipulating for Attorneys' Fees in Certain Cases.

*Be it enacted by the General Assembly of the State of Iowa:*

No greater fee  
than prescribed  
by this act shall  
be collected.

SECTION 1. In any action upon a written contract for the payment of money, made after the taking effect of this act, in which it is an agreement to pay an attorney's or collection fee, no greater recovery for attorneys' fee shall be had against the maker of such contract than is provided for in section two hereof, anything in said contract contained to the contrary notwithstanding.

Limiting fees  
on contract.

SEC. 2. When judgment is recovered on a written contract, made after the taking effect of this act, containing an agreement to pay an attorney's fee, there shall be an attorney's fee allowed